



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO. 08/939,527	FILING DATE 09/29/97	FIRST NAMED INVENTOR YAMAJI T	ATTORNEY DOCKET NO. F-5730
-------------------------------	-------------------------	----------------------------------	-------------------------------

JORDAN AND HAMBURG
122 EAST 42ND STREET
NEW YORK NY 10168

PM11/0329

JASMIN, L	EXAMINER
-----------	----------

ART UNIT 3611	PAPER NUMBER
------------------	--------------

DATE MAILED: 03/29/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/939,527

Applicant(s)
Yamaji et al.

Examiner
Lynda Jasmin

Group Art Unit
3611



☒ Responsive to communication(s) filed on 9/29/97

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-7 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5, and 6 is/are rejected.

☒ Claim(s) 4 and 7 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 12/30/97 is ☒ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3611

DETAILED ACTION

Acknowledgments

1. Preliminary amendment received on December 30, 1997, along with information disclosure statement and the formal drawing have been entered.

Specification

2. The abstract of the disclosure is objected to because the term "the present invention" can be implied, therefore, it should avoided. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 4 is objected to because of the following informalities: At line 4 of the claim the term "a stitch" should be replaced by --stitching-- same as at line 7 for clarity. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3611

5. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haland et al. (5,788,270), and further in view of Buchner et al. (3,792,873).

Haland et al. ('270) discloses a side impact safety device having a bag portion (20) formed by connecting two woven fabric in an outward peripheral portion (column 4 lines 57-59), housing the bag portion (20) in a side structure of the vehicle (fig. 2) such as a pillar (21) and a roof side (not label), and having a mechanism for expanding the bag portion alongside a window of a vehicle (column 3 lines 63-65), and having an opening (23) for introducing an inflator gas (22) is form as part of the connecting portion (24). However that the two woven fabrics is formed by weaving as a textile structure having a common yarn constituting both fabrics.

Buchner et al. ('873) teaches a connecting portion (6) for connecting the two woven fabrics that is formed by weaving as a textile structure (column 3 lines 51-56), having a common yarn constituting both fabrics (column 5 lines 2-7), and whole of the bag portion is sealed by an air non-permeable coating material (column 3 lines 66-68), a linear connecting portion (6) for partitioning in parallel with a flow direction of an inflator gas is formed to connect two woven fabrics constituting the bag portion at a center region of the bag portion (fig. 3) (column 8 lines 20-32)

Based on the connecting structure of Buchner et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haland et al. to include the connecting portion for connecting the two woven fabrics that is formed by weaving as a textile

Art Unit: 3611

structure, well-known manner in the manufacture of airbag material, in order to ensure stronger confinement.

Allowable Subject Matter

6. Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record and considered pertinent to the applicant's disclosure does not teach or suggest an inflator-side terminal portion of the stitching formed as a U-shape or a circular shape.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thornton et al. (5,011,183), is cited for disclosing a bag defining a pair of opposed panels of substantial area formed in a plain weave of a yarn density.

Bark et al. (5,322,322), is cited for disclosing an air bag structure mounted along the periphery of the vehicle's window.

Yamada (5,884,937) is cited for disclosing a side impact safety device having a bag portion (20) formed by connecting two woven fabric in an outward peripheral portion (column 3

Art Unit: 3611

lines 24-26), housing the bag portion in a side structure of the vehicle such as a pillar and a roof side, and having a mechanism for expanding the bag portion alongside a window of a vehicle (column 2 lines 58-61), and having an opening (26A) for introducing an inflator gas (16) is form as part of the connecting portion (20D).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann, can be reached on (703) 306-4115. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

LJ

March 25, 1999

J. J. Swann
J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600